

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BEAUTY IGBINEWEKA

7923 North Glen Drive, #4039

Irving, TX 75063

Plaintiff,

vs.

WEST ASSET MANAGEMENT

11808 Miracle Hills Drive

Omaha, NE 68154

Defendant.

CASE NO.:

JURY DEMAND REQUESTED

VERIFIED CIVIL COMPLAINT
(UNLAWFUL DEBT COLLECTION PRACTICES)

VERIFIED COMPLAINT

BEAUTY IGBINEWEKA (Plaintiff), by her attorneys, THE RIFFE LAW FIRM, P.L.L.C., alleges the following against WEST ASSET MANAGEMENT (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United

States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.

3. Because Defendant conducts business in Texas, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in Irving, Dallas County, Texas and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a debt collector with an office in Omaha, Nebraska.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a “debt collector” as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
11. Defendant called Plaintiff from telephone number: 214-506-7149.
12. Defendant places collection calls to Plaintiff on telephone number: 214-335-8729.

**COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

13. Defendant violated the FDCPA based on the following:
 - a. Defendant violated *§1692d* of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
 - b. Defendant violated *§1692d(5)* of the FDCPA by causing a telephone to ring and engaging Plaintiff in telephone conversations repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, BEAUTY IGBINEWEKA respectfully requests judgment be entered against Defendant, WEST ASSET MANAGEMENT for the following:

14. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
15. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
16. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, BEAUTY IGBINEWEKA, requests a jury trial in this case.

Respectfully submitted,

THE RIFFE LAW FIRM, P.L.L.C.

/s/ G. Brad Riffe

G. BRAD RIFFE

State Bar # 24062265

Attorney for Plaintiff

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, BEAUTY IGBINEWEKA, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, BEAUTY IGBINEWEKA, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

4/4/2012
Date

Beauty Igbineweka
BEAUTY IGBINEWEKA